

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20641 of 2017

Arising Out of PS.Case No. -149 Year- 2015 Thana -PARSABAZAR District- PATNA

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Kukku Kumar @ Rajesh Kumar, Son of Sri Mahendra Prasad, R/o Badi Patandevi, P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad
Mr. Satyeshwar Prasad
For the Opposite Party/s : Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 20-07-2017 Heard Sri Bhola Prasad, learned counsel, assisted by Sri Satyeshwar Prasad, learned counsel for the petitioner . None appeared on behalf of the State.

The sole petitioner, apprehending his arrest in Parsa Bazar P.S. Case No. 149 of 2015 registered for the offence under Section 304(B)/34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act, , 1961 has prayed for grant bail in the event of arrest or surrender.

It was submitted by learned counsel for the petitioner that petitioner is the younger brother of the husband of the deceased. He submits that the present F.I.R. was lodged on the basis of a complaint petition i.e. Complaint Case No. 3184 (C) of 2015 , which was filed on 10.9.2015 and in view Section 156(3)



of the Cr.P.C. the present F.I.R. was lodged. He submits that the deceased had received fire injury while she was preparing food. Immediately after noticing the occurrence all the in-laws member tried to save her. This accident had taken place in the district of Hazaribagh in the State of Jharkhand. The victim was initially treated in a hospital in Hazaribagh and considering serious injury she was carried to Patna and in a private hospital her fardbyan was got recorded by Sub Inspector of Police of Agamkuan Police Station. He has referred to Annexure 'P/2' to the petition i.e. photo copy of the fardbyan. He submits that in the fardbyan the victim had categorically described about the occurrence and the fact that in-laws tried to save her. However, after her death only with a view to falsely implicate entire family members, the present case was filed. He has referred to Annexure 'P/5' to the petition i.e. an order dated 28.03.2017 passed in Cr Misc. No. 12412 of 2017 to satisfy the court that one of the accused was granted privilege of anticipatory bail by a bench of this court. He further submits that almost all other accused persons including husband of the deceased have been extended the same privilege. He submits that husband of the deceased Vikash Kumar was granted privilege of anticipatory bail vide Cr. Misc. No. 31855 of 2017.



Considering the facts and circumstances particularly the fact that number of accused persons including husband of the deceased have been extended the privilege of anticipatory bail, there is no reason to pass any different order .

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Kukku Kumar @ Rajesh Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Gayatri Kumari , Judicial Magistrate Ist Class, Patna / concerned court in connection with Parsa Bazar P.S. Case No. 149 of 2015 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure 1973.

(Rakesh Kumar, J)

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